

Probate Notes for March 6, 2007

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to have your petition preapproved or would like to continue the matter to cure defects, contact the probate examiner at (530) 406-6718 between the hours of 2 p.m. and 4 p.m. Counsel are reminded to submit proposed orders which do not include any attachments.

Case: Estate of Freeman
Case No. CV PB 06-028

It is recommended to grant the petition to administer the estate. Petitioner is reminded to submit a proposed order which is on the mandatory Judicial Council form, as the proposed order previously submitted is not the Judicial Council form.

Case: Estate of Hodel
Case No. CV PB 06-178

The following problems with the petition for final distribution are noted:

1. The report does not address the creditor's claim filed by Dell Financial Services.
2. The petition is unclear as to the status of the creditor's claim of First National Bank of Omaha. No satisfaction of creditor's claim has been filed by First National Bank of Omaha as alleged in the petition (*Petition, page 3, lines 10-13*). The petitioner should clarify his statement that \$596.73 is claimed by First National Bank (*Petition, page 4, line 7*) and (a) confirm that entity is actually First National Bank of Omaha, and (b) confirm that the petitioner has paid the claim of First National Bank of Omaha.
3. The Inventory and Appraisal filed November 21, 2006 includes two 529 College Plans which are for the benefit of two grandchildren (Inventory, Attachment 1, Items 1 and 2). Petitioner is instructed to inform the court as to how he alleges that these accounts are assets of the decedent. If they are assets of the decedent, then they will be subject to the terms of the decedent's will. If they are not assets of the estate, then the Inventory should be amended.
4. The petitioner erroneously seeks a court order regarding distribution of the trust. The matter on for hearing is a probate proceeding. The assets which are subject to the probate proceeding must be distributed pursuant to decedent's Will. The Will, Paragraph 2.1, directs the distribution of the entire residue of the estate to the currently-acting trustee of the Donald E. Hodel 1996 Revocable Trust.
5. The petitioner has not filed the mandatory statement regarding the filing fee required by CA Rules of Court, Rule 7.552.

It is recommended that the petitioner continue the hearing in order to file and serve an amended report and petition for final distribution which addresses the above problems, and to submit a revised proposed order.

Case: Estate of Lopez
Case No. CV PB 07-34

Proof of publication of notice is needed to complete the file.

Case: Estate of Palmer
Case No. CV PB 06-119

It is recommended to approve the first and final report of administrator on waiver of account and grant the petition for its settlement, for statutory fees for the petitioner's attorney, for reimbursement of costs to petitioner, for authorization to withhold a reserve for closing costs, and for final distribution.

Case: Estate of Ruiz
Case No. CV PB 05-238

Petition has not filed the mandatory statement regarding the filing fee required by CA Rules of Court, Rule 7.552.

Case: Probate Conservatorship of Scott
Case No. CV PB 02-77

It is recommended to approve the third and final account and report of conservator and for discharge of conservator.

Case: Probate Conservatorship of Slivkov
Case No. CV PB 07-24

It is recommended to grant the petition for appointment of conservator of the person and estate.